



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,810	07/24/2003	Larkin Hill Lowrey	0307091.0155	2542

35602 7590 09/21/2004

STEPHEN C. GLAZIER
KIRKPATRICK & LOCKHART LLP
1800 MASSACHUSETTS AVENUE, NW
WASHINGTON, DC 20036

EXAMINER

MANCHO, RONNIE M

ART UNIT PAPER NUMBER

3663

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,810

Applicant(s)

LOWREY ET AL. 

Examiner

Ronnie Mancho

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/24/04; 9/17/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 2, "the diagnostic data" lacks antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-13, 15-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Spaur et al (5732074).

Regarding claim 1, Spaur et al (5732074) disclose a system for monitoring operational characteristics of a vehicle, the system (figs 1-4) comprising:

a computer (122, 124, col. 10, lines 37+) in the vehicle (col. 10, lines 18+); and

a wireless appliance (30, 80, 82, 84, fig. 2) in electrical contact with the computer (122, 124, col. 10, lines 10+), the wireless appliance (30, 80, 82, 84, fig. 2) comprising a data-transmission component configured to transmit data associated with the operational

Art Unit: 3663

characteristics (col. 2, lines 53+; col. 3, lines 49+) over a network (68, 76, col. 7, lines 23+) to a host computer system (60, 68, 76, fig. 2), and to receive over the network (68, 76) data from the host computer system (60, 68, 76).

Regarding claim 2, Spaur et al (5732074) disclose the system of claim 1, wherein the wireless appliance (30, 80, 82, 84, fig. 2) further comprises a data-collection component (controller 30) supporting communication software (col. 2, lines 66+; col. 2, lines 53+) that collects data associated with the operational characteristics (col. 3, lines 20 +; col. 3, lines 49+).

Regarding claim 3, Spaur et al (5732074) disclose the system of claim 2, wherein the communication software supported by the data-collection component comprises a schema component (IP address, col. 3, lines 3+; col. 4, lines 15-23; col. 11, lines 27-39, lines 58-67) that identifies the diagnostic data to be collected from the vehicle's computer (122, 124).

Regarding claim 4, Spaur et al (5732074) disclose the system of claim 1, wherein the host computer system is configured to transmit the schema component in an incoming data packet (see CDPD; col. 2, lines 42+; col. 6, lines 1+; col. 7, lines 50+).

Regarding claim 5, Spaur et al (5732074) disclose the system of claim 3, wherein the schema component comprises an address that describes a location of a diagnostic datum in the vehicle's computer memory.

Regarding claim 6, Spaur et al (5732074) disclose the system of claim 3, wherein the schema component comprises a field that describes a time or frequency that the data-collection component collects data (updated data, col. 9, lines 31-36) from the vehicle's computer (122, 124).

Regarding claim 7, Spaur et al (5732074) disclose the system of claim 3, wherein the schema component comprises a field that describes a time or frequency that the data-transmission component transmits an outgoing data packet (col. 9, lines 31-36; col. 12, lines 18+).

Regarding claim 8, Spaur et al (5732074) disclose the system of claim 3, wherein the schema component is an ASCII (see TCP/IP, abstract, etc) or binary data file (col. 3, lines 30+).

Regarding claim 9, Spaur et al (5732074) disclose the system of claim 8, wherein the data file is configured to be processed by the communication software.

Regarding claim 10, Spaur et al (5732074) disclose the system of claim 1, wherein the host computer system (60, 68, 76) comprises at least one web-hosting computer that hosts a web site, and at least one, separate gateway computer 76 that receives the outgoing data packet and sends the incoming data packet.

Regarding claim 11, Spaur et al (5732074) disclose the system of claim 10, wherein the web site comprises a first web page that displays a vehicle diagnostic datum.

Regarding claim 12, Spaur et al (5732074) disclose the system of claim 11, wherein the first web page (col. 11, lines 58 through col. 12, lines 1-67) comprises data fields describing:

- i) a name of the diagnostic datum (information related to engine operation, col. 12, lines 65-67+);
- ii) units corresponding to the diagnostic datum (mileage, temperature, over heating, col. 9, lines 10+); and
- iii) a numerical value (col. 12, lines 26-30) corresponding to the diagnostic datum.

Regarding claim 13, Spaur et al (5732074) disclose the system of claim 12, wherein the first web page further comprises multiple sets of diagnostic data, with each set being received by the host computer system at a unique time and date (col. 9, lines 31-36; col. 12, lines 18+).

Regarding claim 15, Spaur et al (5732074) disclose the system of claim 13, wherein the diagnostic data includes at least one of the following: diagnostic trouble codes, vehicle speed, fuel level, fuel pressure, miles per gallon, engine RPM, mileage, oil pressure, oil temperature, tire pressure, tire temperature, engine coolant temperature, intake-manifold pressure, engine-performance tuning parameters, alarm status, accelerometer status, cruise control status, fuel-injector performance, spark-plug timing, and a status of an anti-lock braking system (col. 9, lines 10+).

Regarding claim 16, Spaur et al (5732074) disclose the system of claim 11, wherein the web site further comprises a database component (see conventional PC, col. 7, lines 25-30; that is a conventional PC has associated there with a data base, i.e. RAM, ROM memory).

Regarding claim 17, Spaur et al (5732074) disclose the system of claim 16, wherein the web site further comprises a login web page where a user enters a user name and password (this limitation is inherent since Spaur disclose a conventional PC connected to the internet, col. 7, lines 27+; TCP/IP, col. 12, lines 43-59; E-mail, col. 14, lines 13-16, etc).

Regarding claim 18, Spaur et al (5732074) disclose the system of claim 17, wherein the database component comprised by the login web page is configured to verify if the user is associated with multiple vehicles (col. 13, lines 19-23).

Art Unit: 3663

Regarding claim 19, Spaur et al (5732074) disclose the system of claim 18, wherein the user is associated with multiple vehicles (fleet of vehicles, col. 14, line 1) and the web site comprises a second web page that displays vehicle diagnostic data corresponding to each vehicle.

Regarding claim 20, Spaur et al (5732074) disclose the system of claim 4, wherein the host computer is capable of hosting a web site on the Internet that displays the operational characteristics, wherein the web site comprises a third web page (many browsers, col. 7, lines 34+) that comprises a mechanism for sending the incoming data packet over the network (figs. 3&4)

Regarding claim 21, Spaur et al (5732074) disclose the system of claim 20, wherein the web page comprises a list of parameters that can be extracted from the vehicle's computer.

Regarding claim 22, Spaur et al (5732074) disclose the system of claim 10, wherein the gateway computer that receives the outgoing data packet and sends the incoming data packet is connected to the network (figs 1-4).

Regarding claim 23, Spaur et al (5732074) disclose the system of claim 22, wherein the gateway computer is connected to a digital communication line that is connected to the network.

Regarding claim 24, Spaur et al (5732074) disclose the system of claim 1, further comprising a secondary computer system (10a-----10n, fig. 1) that connects to the host computer system through the Internet and is configured to display the web site.

Regarding claim 25, Spaur et al (5732074) disclose the system of claim 1, further comprising a hand-held device (PC/MIA 148, fig. 2; col. 11, lines 16+) that connects to the host computer system through the Internet and is configured to display the web site.

Art Unit: 3663

Regarding claim 26, Spaur et al (5732074) disclose the system of claim 25, wherein the hand-held device is a cellular telephone 80 or a personal digital assistant (PCMIA).

Regarding claim 27, Spaur et al (5732074) disclose the system of claim 1, wherein the host computer system is further configured to send an electronic mail message that comprises all or part of the vehicle diagnostic data.

Regarding claim 28, Spaur et al (5732074) disclose the system of claim 1, wherein the wireless appliance (30, 80, 82, 84, fig. 2) is configured to send an outgoing data packet that indicates a location of a transmitting base station (col. 14, lines 2-16).

Regarding claim 29, Spaur et al (5732074) disclose the system of claim 28, wherein the host computer system comprises software that analyzes the location of the transmitting base station to determine an approximate location of the vehicle (col. 14, lines 2-16).

Regarding claim 30, Spaur et al (5732074) disclose the system of claim 29, wherein the web site comprises a web page that displays the approximate location of the vehicle (col. 14, lines 24+).

Regarding claim 31, Spaur et al (5732074) disclose a device (figs 1-4) for monitoring operational characteristics (col. 9, lines 5+; col. 10, lines 1-9) of a vehicle, the device (figs 1-4) comprising:

- a host computer system (60, fig. 2):

- a wireless appliance (30, 80, 82, 84, fig. 2) including a data transmission component 80 configured to communicate data associated with the operational characteristics (col. 9, lines 5+; col. 10, lines 1-9) over a network to the host computer system 60 (cols. 5-7); and

Art Unit: 3663

a website hosted on the host computer system that can display (col. 13, lines 30-36) the operational characteristics.

Regarding claim 32, Spaur et al (5732074) disclose a device (figs 1-4) for monitoring operational characteristics (col. 9, lines 5+; col. 10, lines 1-9) of a vehicle, the device comprising:

a wireless appliance (30, 80, 82, 84, fig. 2) including a data-transmission component 80 configured to receive data associated with the operational characteristics over a network from a host computer 60 (col. 14, lines 30-39)

Regarding claim 33, Spaur et al (5732074) disclose a system (figs 1-4) for monitoring operational characteristics (col. 2, lines 53+; col. 9, lines 5+; col. 10, lines 1-9) of a vehicle, the system comprising:

a host computer 60 (fig. 2) that supports a web site (col. 3, lines 13+) that can display the operational characteristics (col. 2, lines 53+; col. 9, lines 5+; col. 10, lines 1-9); and

a wireless appliance (30, 80, 82, 84, fig. 2) including a data transmission component 80 configured to communicate data associated with the operational characteristics (col. 2, lines 53+; col. 9, lines 5+; col. 10, lines 1-9) over a network 76 (fig. 2) to the host computer 60.

Regarding claim 34, Spaur et al (5732074) disclose the system of claim 33, wherein the wireless appliance (30, 80, 82, 84, fig. 2) is in the vehicle (col. 7, lines 23+).

Regarding claim 35, Spaur et al (5732074) disclose the system of claim 34, wherein the host computer 60 is external to the vehicle.

Regarding claim 36, Spaur et al (5732074) disclose a system for monitoring operational characteristics (col. 2, lines 53+; col. 9, lines 5+; col. 10, lines 1-9) of a vehicle, the system

Art Unit: 3663

comprising:

a host computer 60; and

a wireless appliance (30, 80, 82, 84, fig. 2) including a data transmission component 80 configured to receive data associated with the operational characteristics (30, 80, 82, 84, fig. 2) over a network 76 (fig. 2) from the host computer 60 (col. 14, lines 30+).

Regarding claim 37, Spaur et al (5732074) disclose the system of claim 36, wherein the wireless appliance is in the vehicle (col. 7, lines 23+).

Regarding claim 38, Spaur et al (5732074) disclose the system of claim 37, wherein the host computer 60 is external to the vehicle (see remote station, col. 7, lines 23+).

Claim Rejections - 35 USC § 103

5 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6 Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spaur et al in view of Fera et al (6338152).

Regarding claim 14, Spaur disclosed the system of claim 11 and suggested that the diagnostic data on the web page may be formatted, but did not particularly mention a graphical representation of a set of diagnostic data. However, Fera et al (6338152) disclose a system, wherein a first web page comprises a graphical representation of a set of diagnostic data received by a host computer system (MDSC, col. 13, lines 8-16) at a unique time and date (col. 13, lines

Art Unit: 3663

8-16, lines 43-42; col. 14, lines 1-9). Therefore, it would have been obvious to one of ordinary skill in the art of internet based vehicle diagnosis to modify the Spaur et al device as taught by Fera for the purpose of effectively managing diagnostic data.

Conclusion

7 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following: 4258421 and 5754965 all disclose a vehicular diagnostic system.

Communication

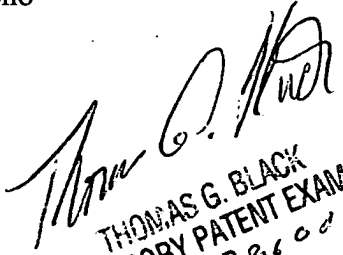
8 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 703-305-6318. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Black can be reached on 703-305-8233. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Ronnie Mancho
Examiner
Art Unit 3661

September 19, 2004


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3602